

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown  
classification; PHOENIX DIGITAL GROUP  
LLC, an Arizona limited liability company;  
JEFFREY CONWAY, an individual; DAVID  
SCHAEFER, an individual; JORDAN GREEN,  
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANTS' [PROPOSED]  
SPECIAL VERDICT FORM  
AND PROPOSED VOIR DIRE  
QUESTIONS**

Defendants provide the following proposed jury verdict form as Appendix A,  
and proposed voir dire question as Appendix B hereto.

Defendants reserve the right to revise, supplement or amend this proposed jury  
verdict form as the need arises. Defendants are available to confer with Bungie to  
resolve any issues and submit a complete verdict form to the Court.

Dated November 9, 2023.

/s/ Philip P. Mann

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**APPENDIX A**  
**VERDICT FORM**

**Instructions**

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout. Your answer to each question must be unanimous. Some of the questions contain legal terms. These terms are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case:

**Plaintiff Bungie's Copyright Infringement Claim**

**QUESTION 1**

Did any of the Defendants infringe Bungie's copyright in the *Destiny 2* game?

YES \_\_\_\_\_

NO \_\_\_\_\_

*If the answer to Question 1 is "YES," please continue to Question 2. If the answer to Question 1 is "NO," please continue to Question 7.*

**QUESTION 2**

If you answered "YES" to Question 1, please indicate with an "X" which Defendant(s) infringed Bungie's copyright in the *Destiny 2* game?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 1 is "YES," please continue to Question 3. If the answer to Question 1 is "NO," please continue to Question 7.*

**QUESTION 3**

If you answered "YES" to Question 1, please indicate with an "X" which Defendant(s) willfully infringed Bungie's copyright in the *Destiny 2* game?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 1 is “YES,” please continue to Question 4. If the answer to Question 1 is “NO,” please continue to Question 7.*

**QUESTION 4**

If you answered “YES” to Question 1, please indicate with an “X” which Defendant(s) contributorily infringed Bungie’s copyright in the *Destiny 2* game?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 1 is “YES,” please continue to Question 5. If the answer to Question 1 is “NO,” please continue to Question 7.*

**QUESTION 5**

If you answered “YES” to Question 1, please indicate with an “X” which Defendant(s) vicariously infringed Bungie’s copyright in the *Destiny 2* game?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 1 is “YES,” please continue to Question 6. If the answer to Question 1 is “NO,” please continue to Question 7.*

**QUESTION 6**

What amount do you award in actual damages for Defendants' copyright infringement?

Answer in dollars and cents the amount you award.

\$ \_\_\_\_\_

*Please continue to Question 7.*

**QUESTION 7**

Did any of the Defendants infringe Bungie's copyright in the *Destiny 2: Beyond Light* game?

YES \_\_\_\_\_

NO \_\_\_\_\_

*If the answer to Question 7 is "YES," please continue to Question 8. If the answer to Question 7 is "NO," please continue to Question 13.*

**QUESTION 8**

If you answered "YES" to Question 1, please indicate with an "X" which Defendant(s) infringed Bungie's copyright in the *Destiny 2: Beyond Light* game?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 7 is "YES," please continue to Question 3. If the answer to Question 7 is "NO," please continue to Question 13.*

**QUESTION 9**

If you answered “YES” to Question 1, please indicate with an “X” which Defendant(s) willfully infringed Bungie’s copyright in the *Destiny 2: Beyond Light* game?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 7 is “YES,” please continue to Question 4. If the answer to Question 7 is “NO,” please continue to Question 13.*

**QUESTION 10**

If you answered “YES” to Question 1, please indicate with an “X” which Defendant(s) contributorily infringed Bungie’s copyright in the *Destiny 2: Beyond Light* game?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 7 is “YES,” please continue to Question 5. If the answer to Question 7 is “NO,” please continue to Question 13.*

**QUESTION 11**

If you answered “YES” to Question 1, please indicate with an “X” which Defendant(s) vicariously infringed Bungie’s copyright in the *Destiny 2: Beyond Light* game?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 7 is “YES,” please continue to Question 6. If the answer to Question 7 is “NO,” please continue to Question 13.*

**QUESTION 12**

What amount do you award in actual damages for Defendants’ copyright infringement?

Answer in dollars and cents the amount you award.

\$ \_\_\_\_\_

**COUNTERCLAIM OF JAMES MAY**

**QUESTION 13**

Did Bungie violate the rights of James May by accessing copyrighted materials on James May’s personal computer without authorization?

YES \_\_\_\_\_

NO \_\_\_\_\_

*If the answer to Question 13 is “YES,” please continue to Question 14. If the answer to Question 1 is “NO,” please continue to Question 7.*

**QUESTION 14**

What amount do you award in actual damages for Bungie's unlawful access of James May's personal computer?

Answer in dollars and cents the amount you award.

\$ \_\_\_\_\_

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the courtroom deputy that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Presiding Juror



**APPENDIX B**  
**VOIR DIRE QUESTIONS**

In addition to standard questions regarding potential conflicts, knowledge of the parties, counsel, case, etc., Defendants propose that the following additional questions be asked of potential jurors in this matter:

1. Do you play video (or computer) games?
2. Does anyone in your household play video games?
3. Have you ever played video games?
4. Are you familiar with video games?
5. Have you ever played a video game distributed by Bungie?
6. Has anyone in your household ever played a video game distributed by Bungie?
7. Have you ever played “Destiny 2”?
8. Has anyone in your household ever played “Destiny 2”?
9. Have you ever played “Destiny 2, Beyond Light”?
10. Has anyone in your household ever played “Destiny 2, Beyond Light”?
11. Have you seen or read any publicity about this case?
12. Have you seen or read any publicity about “cheating” in computer games?
13. Are you aware of “cheating” in computer games?
14. Do you have any thoughts or opinions about “cheating” in computer games?
15. Do you believe that “cheating” in computer games is or should be unlawful?
16. Do you have any opinion as to whether “cheating” in computer games is or should be unlawful?
16. Do you believe that large companies are inherently more trustworthy than individuals?

- 1 17. Do you believe that large law firms are inherently more trustworthy than small
- 2 firms?
- 3 18. Have you ever created a copyrighted work?
- 4 19.. Have you ever believed you have suffered copyright infringement?
- 5 20. Have you ever been in a lawsuit?
- 6 21. Have you ever believed your rights have been violated in a court of law?
- 7 22. Do you have confidence in the courts to reach just and proper decisions?
- 8 23. Do you own or use a personal computer?
- 9 24. Do you keep private information on your personal computer?
- 10 25. Do you have any thoughts as to what extent private information should remain
- 11 private?
- 12 26. Have you ever suffered an invasion of your privacy?
- 13 27. Have you ever had your personal banking information or credit card(s) hacked
- 14 or otherwise compromised?
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